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Return Receipt Requested

Ramsay, Edward and Cathy Revocable Trust  
c/o Shane Otley  
P.O. Box 797  
Crane, Oregon 97732

## NOTICE OF PROPOSED DECISION

Dear Mr. Otley:

### INTRODUCTION

Ed Ramsay, who is a grazing permittee in the Coleman Creek Allotment, approached the Burns District of the Bureau of Land Management (BLM) in November 2002, to explain that he is working with Natural Resource Conservation Service (NRCS) and the Farm Service Agency on a plan to improve a portion of the South Fork Malheur River (see map). Mr. Ramsay and NRCS are proposing to construct approximately 2 miles of fence, of which approximately one-third of a mile crosses public land within the South Pasture of the Coleman Creek Allotment in the Burns District. The Coleman Creek Allotment is located approximately 40 air miles southeast of Burns, Oregon. The South Pasture has 520 acres of public land and 2,280 acres of private land.

### BACKGROUND

The permittee mainly grazes livestock within the South Pasture from April 1 to September 1. Grazing livestock during this season of use is not conducive to improving the riparian conditions along the South Fork Malheur River. The permittee is working with NRCS on a management plan of the proposed fence on private land and has requested the BLM to authorize the fence on public land. Environmental Assessment (EA) OR-025-03-057 has been completed that analyzes the possible impacts of the proposed fence and a no action alternative.

## FINDING OF NO SIGNIFICANT IMPACT

This proposal is in conformance with the objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan (RMP). Based on the analysis of potential environmental impacts contained in the attached EA and all other available information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed.
2. Public health and safety would not be adversely impacted.
3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives of the Three Rivers RMP, 1992.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. No adverse impacts to cultural resources were identified or anticipated.
9. No adverse impacts to any threatened or endangered species or their habitat was identified. If at a future time there could be the potential for adverse impacts, guidelines or stipulations would be modified or mitigated to provide no adverse effect or a new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

## PROPOSED DECISION

My proposed decision is to implement the proposed action described in the attached Ramsay Riparian Fence EA OR-025-03-057 for construction of one-third mile of fence crossing public land in the South Pasture of the Coleman Creek Allotment.

## RATIONALE

It was determined through the Ramsay Riparian Fence EA that the Ramsay Riparian Fence is needed to improve the South Fork Malheur River within the South Pasture in the Coleman Creek Allotment. The proposed fence would cross approximately one-third mile of public land. The Ramsay Riparian Fence EA determined that impacts were either negligible or beneficial to all affected resources.

I have also considered the no action alternative to the proposed action:

No Action: I did not select this alternative because it would not meet the objective to improve the riparian habitat along the South Fork Malheur River.

## AUTHORITY

Sections 43 CFR 4120.3(f) and 43 CFR 4160 provide authority and direction for both issuing a proposed decision.

## RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sections 43 CFR 4160.1 and 4160.2, in person or in writing to Joan Suther, Three Rivers Resource Area Field Manager, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738 within 15 days after receipt of this decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Any protest received will be carefully considered and then a final decision will be issued. In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal may be accomplished by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available at the BLM office.

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant(s) success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please call either Eric Haakenson or me at (541) 573-4400.

Sincerely,

Joan M. Suther  
Three Rivers Resource Area Field Manager

1 Attachment  
1 – Ramsey Riparian Fence EA (11 pp)

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# RAMSAY RIPARIAN FENCE

## ENVIRONMENTAL ASSESSMENT EA OR-025-03-057

Bureau of Land Management  
Burns District Office  
28910 Hwy 20 West  
Hines, Oregon 97738

January 20, 2004

## TABLE OF CONTENTS

Chapter I. Introduction: Purpose of and Need for Action.....	1
A.    Purpose and Need .....	1
B.    Land Use Plan Conformance Statement .....	1
Chapter II. Proposed Action and Alternative.....	1
A.    Description of the Proposed Action.....	1
B.    No Action Alternative.....	2
Chapter III. Description of the Affected Environment .....	2
A.    Description of the Proposed Action.....	2
Critical Elements.....	2
1.    Threatened, Endangered, Candidate and Sensitive Species.....	2
2.    Migratory Birds.....	2
3.    Noxious Weeds .....	2
4.    Water Quality (surface/ground) .....	3
5.    Wetlands and Riparian Zones .....	3
Noncritical Elements.....	3
1.    Range Management/Livestock.....	3
2.    Soils.....	3
3.    Vegetation .....	3
4.    Visual Resources.....	3
5.    Wildlife .....	4
6.    Fisheries .....	4
Chapter IV. Environmental Consequences.....	4
A.    Description of the Proposed Action.....	4
Critical Elements.....	4
1.    Threatened, Endangered, Candidate and Sensitive Species.....	4
2.    Migratory Birds.....	4
3.    Noxious Weeds .....	4
4.    Water Quality (surface/ground) .....	4
5.    Wetlands and Riparian Zones .....	5

Noncritical Elements.....	5
1. Range Management/Livestock.....	5
2. Soils.....	5
3. Vegetation.....	5
4. Visual Resources.....	5
5. Wildlife .....	5
6. Fisheries .....	6
B. No Action Alternative.....	6
Critical Elements.....	6
1. Threatened, Endangered, Candidate and Sensitive Species.....	6
2. Migratory Birds.....	6
3. Noxious Weeds .....	6
4. Water Quality (surface/ground .....	6
5. Wetlands and Riparian Zones .....	6
Noncritical Elements.....	6
1. Range Management/Livestock.....	6
2. Soils.....	7
3. Vegetation .....	7
4. Visual Resources.....	7
5. Wildlife .....	7
6. Fisheries .....	7
C. Cumulative Impacts .....	7
Chapter V. Consultation and Coordination.....	8
A. List of Preparers.....	8
B. Persons, Groups or Agencies Consulted.....	8

RAMSAY RIPARIAN FENCE  
ENVIRONMENTAL ASSESSMENT  
EA OR-025-03-057

CHAPTER I: INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

Ed Ramsay, who is a grazing permittee in the Coleman Creek Allotment, approached the Burns District of the Bureau of Land Management (BLM) in November 2002, to explain that he is working with the Natural Resource Conservation Service (NRCS) and the Farm Service Agency on a plan to improve a portion of the South Fork Malheur River as shown on map. Mr. Ramsay and NRCS are proposing to construct approximately 2 miles of fence of which approximately one-third mile crosses public land within the South Pasture of the Coleman Creek Allotment in the Burns District. The Coleman Creek Allotment is located approximately 40 air miles southeast of Burns, Oregon. There is approximately 520 acres of public land within the South Pasture. The permittee grazes the South Pasture from April 1 through September 1.

This document is an Environmental Assessment (EA) of possible effects of constructing and maintaining the Ramsey Riparian Fence.

A. Purpose and Need

The purpose of the fence is to keep livestock off the South Fork Malheur River to provide for recovery of the riparian plant communities, for up to 10 years depending on the date of recovery. The proposed fence is needed to provide a recovery period to establish riparian plant communities. Following this exclusionary period the BLM, NRCS and the permittee would cooperatively determine grazing management of the River Pasture.

B. Land Use Plan Conformance Statement

The proposed action and alternatives described below are in conformance with the Three Rivers Management Plan, Issue Grazing Management (Page 2-33), and are consistent with Federal, State, Tribal, and local laws, regulations, and plans to the maximum extent possible.

CHAPTER II. PROPOSED ACTION AND ALTERNATIVE

A. Description of the Proposed Action

The proposed action is to construct approximately 2 miles of 4-strand barbed wire fence, of which one-third mile would cross public land. The fence would create a 500-acre riparian pasture. The public land portion in the riparian pasture is approximately 2.5 acres (see map).

The livestock permittee would be responsible for maintenance of the pasture fence.



Prior to final inspection all trash and excess debris would be removed from the public land and disposed of at a site approved by the contracting officer.

B. No Action Alternative

Under the no action alternative the fence would not be constructed.

### CHAPTER III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. Description of the Proposed Action

The following critical elements of the human environment are not known to be present or affected by the proposed action or alternative in the EA: Areas of Critical and Environmental Concern, Adverse Energy Impacts, Air Quality, Cultural Resources, Environmental Justice, Farmlands (prime or unique), Floodplains, Hazardous Materials, American Indian Concerns and Traditional Cultural Properties, Paleontology, Special Status Species (Flora), Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas.

The following critical elements and resources are present in the project area and are subject to analysis:

#### Critical Elements

1. Threatened, Endangered, Candidate and Sensitive Species

Sage-grouse, a Special Status species, are known to occur in the vicinity of the proposed project. No other Special Status terrestrial animal species are known to occur in the proposed project area.

Redband trout (*Oncorhynchus mykiss*), a Special Status species, are known to occur in the South Fork Malheur River. No other Special Status aquatic species are known to occur in the proposed project area.

2. Migratory Birds

Good condition riparian habitat is one of the most desirable bird habitats in the proposed project area. Many species of migratory birds currently inhabit the area.

3. Noxious Weeds

Currently, there are no known noxious weed infestations on public land. There are noxious weeds on private land such as medusahead rye, Scotch thistle, Russian knapweed, and perennial pepperweed.

4. Water Quality (surface/ground)

The South Fork Malheur River is not on the 303(d) list for water quality impaired streams.

5. Wetlands and Riparian Zones

The current conditions of the wetlands and riparian zones are not known because this is mostly a private pasture and no monitoring has been conducted. A field observation in the fall of 2002 was conducted on the public land portion of the South Fork Malheur River. In this portion of the riparian plant communities the upland grass species and sagebrush were encroaching into the riparian area with very little hydric riparian species present. This portion of the riparian plant community is estimated to be in poor condition.

Noncritical Elements

1. Range Management/Livestock

The permittees, Edward and Cathy Ramsay, graze cattle on the Coleman Creek Allotment. The allotment has 424 AUMs of active permitted use and 101 suspended AUMs for a total of 525 AUMs. Currently, the permittee grazes cattle in the South Pasture from April 1 to September 1.

2. Soils

The proposed fence route occurs parallel to the private dirt road where extra road building material has been added to the soils. The rest of the soils along the proposed fence route occur on moderate slopes and have a very stoney-loam to gravelly-silty loam that are shallow to moderately deep and well-drained.

3. Vegetation

The proposed fence parallels 2 to 10 feet away from a private dirt road. Along the fence route the sparse vegetation consists of sagebrush, bunchgrasses, and various annual forbs and cheatgrass.

4. Visual Resources

The area lies within Visual Resource Management (VRM) Class IV. The objective for this class is to provide for management activities that allow for major modification of the landscape.

5. Wildlife

Species of wildlife common to the sagebrush steppe of eastern Oregon occur in the proposed project area. Some of those species are mule deer, elk, pronghorn antelope, coyote, deer mouse, western rattlesnake, and many other songbird and small mammal species.

6. Fisheries

Fish species, other than the redband trout, likely to be present include dace, whitefish, suckers, minnows, and smallmouth bass.

## CHAPTER IV: ENVIRONMENTAL CONSEQUENCES

### A. Description of the Proposed Action

#### Critical Elements

1. Threatened, Endangered, Candidate and Sensitive Species

Late brood-rearing habitat for sage-grouse would be improved with increased hydric species, and expansion of the riparian community, which increases riparian cover along the stream. This would improve riparian habitat for this species.

2. Migratory Birds

The riparian habitat should improve providing increased hydric species, with expanded riparian habitat which increases riparian cover within the project area. The number of migratory bird species may grow due to the increase diversity of habitat.

3. Noxious Weeds

The native riparian vegetation is expected to increase in overall diversity of species which would help to decrease the potential spread of noxious weeds.

4. Water Quality (surface/ground)

Water quality may improve within the project area but due to the relatively small size of the project the overall water quality on the South Fork Malheur River may or may not improve.

5. Wetlands and Riparian Zones

Construction of the proposed fence project would remove livestock grazing on the river for an extended period of time. This would allow for herbaceous riparian plants and riparian woody species to expand. The riparian conditions are expected to improve within the project area but at a very slow rate. This would be due to the noxious weeds within the project area and upstream.

Noncritical Elements

1. Range Management/Livestock

There would be no increase or decrease in active permitted AUMs as the public land portion of the riparian pasture would be approximately 2.5 acres.

2. Soils

There would be little impact to soils along the road or on the steeper slopes. The soils have a gravelly surface which minimizes soil erosion. Since cattle tend not to congregate on steep slopes, there should be little impact by fencing them out. By eliminating livestock use in the riparian area for up to ten years there would be no opportunity for soil compaction from livestock use within the enclosure.

3. Vegetation

The proposed fence line is along a dirt road which is already a disturbed area. Therefore, it is anticipated that there would be little change in the vegetation condition; however, over time a trail along the fence line would be created by livestock. The riparian vegetation along the river would be expected to improve at a slow rate due to the noxious weed infestation along the South Fork Malheur River. Over time desired hydric riparian species would occupy the riparian area. The upland vegetation would also be expected to improve.

4. Visual Resources

The fence would be a linear feature appearing on the landscape, but this would be within the VRM Class IV objective. Improvement in riparian and upland plant communities would be expected from fencing and exclusion of livestock which would improve visual resources.

5. Wildlife

Habitat for wildlife species would improve with expected increase in hydric species and the expansion of the riparian community, with the associated increases in cover, forage and diversity of habitat.

6. Fisheries

The habitat may improve with increased riparian vegetation, especially woody vegetation which may provide shading of the stream, along with the creation of undercut banks. All of which may provide cooler summer water temperatures and able to better dissipate the energy of the spring runoffs.

B. No Action Alternative

Under the no action alternative the fence would not be constructed across BLM land.

Critical Elements

1. Threatened, Endangered, Candidate and Sensitive Species

Late brood-rearing habitat for sage-grouse would not be improved because the riparian community within the project area would not be allowed to expand.

2. Migratory Birds

The number of migratory bird species may not increase due to the riparian community not improving.

3. Noxious Weeds

Under the no action alternative there would be no change in livestock grazing which has resulted in poor condition riparian plant communities. These plant communities are highly susceptible to noxious weed invasion.

4. Water Quality (surface/ground)

Water quality would remain the same within the project area.

5. Wetlands and Riparian Zones

If the no action alternative is selected the current livestock management would occur along the river and, therefore, the riparian conditions would not be expected to improve within the project area.

Noncritical Elements

1. Range Management/Livestock

There would be no increase or decrease in active permitted AUMs due to the public land portion of the riparian pasture would be approximately 2.5 acres.

2. Soils

Livestock management would be unchanged in the riparian area causing stream bank trampling and erosion of the soil.

3. Vegetation

It is anticipated that there would be little change in the vegetation condition. Over time desired hydric riparian species would not occupy the riparian area.

4. Visual Resources

Under the no action alternative there would be no change to visual resources.

5. Wildlife

Habitat for wildlife species would remain the same with no expected improvement.

6. Fisheries

The habitat would not improve as there would be no expected increase in riparian vegetation.

None of the beneficial impacts listed above would be realized under the no action alternative. The permittee would continue to graze livestock during the summer, therefore allowing the conditions along the South Fork Malheur River in the South Pasture to remain poor.

C. Cumulative Impacts

There are approximately 18 miles of fence within the Coleman Creek Allotment. The additional 2 miles of fence which would result in cumulative impacts to the above critical and noncritical elements are considered to be minimal. Overall, the direct impact of improving the riparian condition in the South Pasture of Coleman Creek Allotment is considered to be greater than not constructing the fence.

## CHAPTER V: CONSULTATION AND COORDINATION

### A. List of Preparers

Jim Buchanan, Supervisor Natural Resource Specialist  
Gary Foulkes, District Planning and Environmental Coordinator  
Terri Geisler, Minerals Specialist  
Eric Haakenson, Lead Preparer, Livestock/Range Management, Vegetation  
Fred McDonald, Recreational Specialist  
Skip Renschler, Reality Specialist  
Lesley Richman, Weed Coordinator  
Jeff Rose, Fire Ecologist  
Fred Taylor, Wildlife Biologist  
Nora Taylor, Lead Rangeland Management Specialist, District Botanist  
Scott Thomas, Archaeologist  
Michael Weston, Watershed Specialist

### B. Persons, Groups or Agencies Consulted

Ed Ramsay, Permittee